

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DARWIN J. FIFIELD, SR.,

Plaintiff,

DECISION AND ORDER

04-CV-6540L

v.

DETECTIVE BARRANCOTTA,
DETECTIVE SEEKINS,
OFFICER WASIK,
LOCKPORT CHIEF OF POLICE
NEIL MERRITT,

Defendants.

On April 21, 2008, this Court entered a Decision and Order (Dkt. #75) granting defendants' motion for summary judgment. Plaintiff appealed from that Decision and Order (Dkt. #77).

On January 14, 2010, the United States Court of Appeals for the Second Circuit affirmed in part, vacated in part, and remanded (Dkt. #78).

In attempting to deal with the Mandate, this Court discovered that plaintiff, who was an inmate with the New York State Department of Corrections, was released from his last facility, Clinton Correctional Facility, in January 2010.


This action must now be dismissed. Plaintiff has failed to keep this Court advised of his current address. When this action was originally pending, he was in fact incarcerated at Upstate Correctional Facility. He failed to advise the Court that he had been moved to Clinton Correctional Facility and has provided this Court with no new address since his release over one year ago.

This plaintiff has another case in the system, 07-CV -6521L, which has been dismissed. In that case, mail sent to this plaintiff was returned undeliverable since he was not at that facility.

CONCLUSION

This action is dismissed for failure to prosecute under FED. R. CIV. P. 41 because the plaintiff has taken no action in this case for over a year and has failed to advise this Court of his current address so that further proceedings may be conducted in this case.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
June 2, 2011.